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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,849	10/27/2000	David Carrel	004906.P005	5956

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EXAMINER

SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
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2664

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DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,849

Applicant(s)

CARREL ET AL.

Examiner

Chirag G Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8, 10-13, 15, 17,18, 20-23, 25-33, 35-39 rejected under 35 U.S.C. 102(e) as being anticipated by Hebel (U.S. Patent No. 6,396,810).

Referring to claims 1 and 35, Hebel discloses in figures 1, 2 and in column 4, lines 47 to column 5, lines 5 and in column 9, lines 53 to column 10, lines 26 of a machine readable medium (computer) that provides instructions, which when executed by a set of processors 15, cause said set of processors 15 to perform operations comprising: receiving a packet (text data information based on user selecting one of circuits 22) on a circuit 22; and provisioning the circuit in response to receiving the data packet (provisioning component 60 of figure 2 may provision a communication path in response to a user selecting one of circuits 22 in the communication path as disclosed in column 9, lines 53 to column 10, lines 26) as claim.

Referring to claims 2, 31 and 36, Hebel discloses in figure 1 wherein the circuit 22 is associated with a listening circuit structure as disclosed in column 9, lines 21 to column 10, lines 26 such that each of circuits 22 listens to see if one of the communication circuit paths is selected from the list before the packet (text data information) is received on the circuit, and the circuit

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(selected circuit path) is disassociated from the listening circuit structure after the packet is received on the circuit since in response to selecting an unassigned circuit 22 from the list, provisioning component 60 assigns selected circuit 22 to the communication path as claims.

Referring to claims 3 and 37, Hebel discloses in column 4, lines 47 to column 5, lines 5 wherein provisioning the circuit comprises: identifying the circuit (computer 16 can assign circuits 22 to the selected communication path); creating a provisioned circuit structure for the circuit (network interface 13 communicates provisioning information that modifies a parameter, setting, assignment variable, or other configuration information in the MIB to assign one or more circuits 22 to a communication path); and associating the circuit to the provisioned circuit structure (network interface 13 allows computer 16 to communicate provisioning information to remotely configurable equipment in network 12) as claims.

Referring to claim 4, 7, 17, 27, 29, and 39, Hebel discloses in column 4, lines 47 to column 5, lines 5 wherein creating the provisioned circuit structure comprises: retrieving a set of parameters corresponding to the circuit from a database (the parameters are retrieved from Management Information Base (MIB)); and populating an empty circuit structure with the set of parameters (network interface 13 communicates provisioning information that modifies a parameter, setting, assignment variable, or other configuration information in the MIB to assign one or more circuits 22 to a communication path) as claims.

Referring to claim 6, Hebel discloses in figures 1, 2 and in column 4, lines 47 to column 5, lines 5 and in column 9, lines 53 to column 10, lines 26 of a machine readable medium (computer 16) that provides instructions, which when executed by a set of processors 15, cause said set of processors to perform operations comprising: configuring a set of circuit as listening

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circuits (disclosed in column 3, lines 22-44 that circuits 22 may be configured as protocols that support communication of information between two locations, thus, indicating that circuits are initially listening to be provisioned); receiving a packet on one of the set of listening circuits (text data information based on user selecting one of circuits 22); provisioning the one of the set of listening circuits in response to receiving the packet (provisioning component 60 of figure 2 may provision a communication path in response to a user selecting one of circuits 22 in the communication path as disclosed in column 9, lines 53 to column 10, lines 26); and processing a set of subsequent packets received on the provisioned one (Provisioning component 60 reduces the time and resources that telecommunication providers must devote to establishing a communication path between two location 20 as a result the telecommunication providers can provide faster service (subsequent packet transfers) to customers at a lower cost as disclosed in column 10, lines 22-26) as claim.

Referring to claim 8, Hebel discloses in column 8, lines 37 to column 9, lines 18 of the machine readable medium (computer 16) of claim 6, wherein configuring the set of circuits as listening circuits comprises associating the set of listening circuits to a single circuit structure (path analysis component 72 received target circuit information specifying two locations, in response, identifies one or more communication paths that communicate information between the specified location, the path may be one listening circuit 22 or a series of listening circuits 22), this single circuit structure being a circuit structure having an indicator indicating the circuit structure as a listening circuit structure (Path analysis component 72 generates communication path such that the single circuit structure is a series of circuits that qualify as a communication path if adjacent circuits 22 share a common code indicator) as claim.

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Referring to claims 10 and 15, Hebel discloses in figures 1, 2 and in column 4, lines 47 to column 5, lines 5 and in column 9, lines 53 to column 10, lines 26 a machine readable medium (computer) that provides instructions, which when executed by a set of processors 15, cause said set of processors to perform operations comprising: listening for a packet over a set of configured circuits; receiving the packet (text data information based on user selecting one of circuits 22) on one of the set of configured circuits 22; identifying the one of the set of configured circuits (as discloses in column 4, lines 47 to column 5, lines 5 wherein provisioning the circuit comprises: identifying the circuit (computer 16 can assign circuits 22 to the selected communication path); signaling a routine that the packet has been detected on the one of the set of configured circuits (column 9, lines 53 to column 10, lines 26); retrieving a set of parameters for the one of the set of configured circuits from a database (as discloses in column 4, lines 47 to column 5, lines 5 wherein the parameters are retrieved from Management Information Base (MIB)); and populating an empty circuit structure with the set of parameters (network interface 13 communicates provisioning information that modifies a parameter, setting, assignment variable, or other configuration information in the MIB to assign one or more circuits 22 to a communication path); creating an empty circuit structure for the one of the set of configured circuits (as disclosed in column 4, lines 47 to column 5, lines 5 where network interface 13 communicates provisioning information that modifies a parameter, setting, assignment variable, or other configuration information in the MIB to assign one or more circuits 22 to a communication path); and associating a set of subsequent packets received on the one of the set of listening circuits with the provisioned circuit structure (as disclosed in column 4, lines 47 to

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column 5, lines 5 where network interface 13 allows computer 16 to communicate provisioning information to remotely configurable equipment in network 12) as claim.

Referring to claim 12, Hebel disclose in column 9, lines 53 to column 10, lines 26)\the machine readable medium (computer) of claim 10, wherein signaling the routine comprises passing the routine the listening circuit structure, the listening circuit structure identifying the one of the set of configured circuits as claim.

Referring to claims 13, 18, 21, 26 and 32, Hebel discloses in column 4, lines 61 to column 5, lines 51 further comprising a remote database to store parameters for provisioning the one circuit as claim.

Referring to claim 20, Hebel discloses in figure 1, column 3, lines 10 to column 5, lines 5 of a network element (computer) comprising: a network card 13 (Network Interface) having a port to couple a set of circuits 22 (via link 30); and a computer 16 coupled to the network card 13, the computer 16 to provision one circuit 22 of the set of circuits (any form of circuits 22 or arrangement of circuits 22 that communicate between locations 20 in the network 12) in response to receiving a packet (text data information based on user selecting one of circuits 22) on the one circuit 22 (provisioning component 60 of figure 2 may provision a communication path in response to a user selecting one of circuits 22 in the communication path as disclosed in column 9, lines 53 to column 10, lines 26) as claim.

Referring to claim 22, Hebel discloses the network element of claim 20, wherein the computer 16 of figure 1 comprises: a database (MIB) to store a set of parameters as disclosed in column 4, lines 47 to column 5, lines 5; a memory element (Memory 14 in figure 1) to store a listening circuit structure (as disclosed in figures 1, column 3, lines 45 to column 4, lines 14 and

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element 26) and a set of provisioned circuit structures (Network management system monitors MIB and network interface 13 communicates provisioning information in the MIB to assign one or more circuits 22 to a communication path as disclosed in column 4, lines 47 to column 5, lines 5); and an operating system (Network Interface 13 allows Computer 16 having an operating system as disclosed in column 4, lines 47 to column 5, lines 5) to associate a set of the set of circuits with the listening circuit structure (circuits 22), and to provision the one circuit (provisioning component 60 as disclosed in column 9, lines 53 to column 10, lines 26 provisions a communication path by assigning one or more circuits to the communication path) as claim.

Referring to claims 23 and 33, Hebel discloses in column 9, lines 53 to column 10, lines 26 wherein to provision the one circuit comprises: to identify the one circuit (by assigning one or more circuits 22 to the communication path); to disassociate the one circuit from the listening circuit structure (provisioning component 60 generates a list indicating whether each circuit 22 is already in service, reserved for future service or available for assignment and if the one circuit is now in service, it is disassociated from being an available listening circuit); to create an empty circuit structure; to populate the empty circuit structure with the set of configuration parameters, making the empty circuit structure a provisioned circuit structure (network interface 13 communicates provisioning information that modifies a parameter, setting, assignment variable, or other configuration information in the MIB to assign one or more circuits 22 to a communication path as disclosed in column 4, lines 47 to column 5, lines 5); and to associate the one circuit to the provisioned circuit structure (as disclosed column 9, lines 53 to column 10, lines 26) as claim.

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Referring to claims 25 and 30, Hebel discloses in figure 1 and in column 4, lines 47 to column 5, lines 5 of an apparatus (computer 16) comprising: a port (network interface 13) to couple a set of circuits 22; a memory element 14 to store a set of circuit structures (as disclosed in figure 1); a storage to store a set of parameters (MIB as disclosed in column 4 lines 47 to column 5, lines 5); and a computer 16 to provision one circuit of the set of circuits in response to a packet being received on the one circuit (provisioning component 60 of figure 2 may provision a communication path in response to a user selecting one of circuits 22 (in response to a text data information being received on a circuit) in the communication path as disclosed in column 9, lines 53 to column 10, lines 26) as claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Hebel in view of Radhakrishnan et al (U.S. Patent No. 6,049,526).

Referring to claim 5, 9, 14, 19, 24, 34, and 38, Hebel discloses in column 9, lines 53 to column 10, lines 26 of provisioning component that provisions a communication path in response to a user selecting one of circuits 22. Hebel, however, fails to disclose of unprovisioning the circuit upon a subscriber-ending event. Radhakrishnan et al discloses in the abstract, column 1, lines 47-65 and in column 9, lines 55 to column 10, lines 47 of a

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provisioning/unprovisioning interface that enables provisioning and unprovisioning of interfaces based on a traffic contract between the user and the network. The provisioning/unprovisioning interface enables the network to offer QoS guarantee appropriate to the service class requested by the user. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Hebel to include the teaching of an unprovisioning interface as taught by Radhakrishnan et al in order to maximize the user's available bandwidth, thus providing QoS guarantee appropriate to the service class requested by the user.

5. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Hebel in view of Moles et al (U.S. Patent No. 6,466,779).

Referring to claim 16, Hebel fails to disclose that the machine readable medium of claim 15 further comprising discarding a set of packets transmitted over an unconfigured circuit, the unconfigured circuit not being associated with the listening circuit structure. Moles et al teaches of for use in a wireless network comprising base stations that communicated with mobile station, preventing unprovisioned mobile stations for accessing an IP data network via the wireless network. Moles et al discloses in the abstract and in column 11, lines 13-25, that the first controller determines if the first mobile stations provisioned and transmits the first IP data packet to the IP data network if the first mobile station is provisioned, if the first mobile station is unprovisioned (unconfigured), the first controller transmits the first IP data packet to the IP data network if the first destination IP address matches the first server IP address and prevents transmission of the first IP data packet to the IP data network if the first destination IP address does not match the first server IP address. Furthermore, as disclosed in column 11, lines 13-25, if the destination IP address does not match an IP address in either the provisioned MS list 410 or

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the unprovisioned MS list 420, IWF unit 150 may discard the IP data packet. Thus, indicating that unprovisioned circuiting is not associated with the listening circuit structure. Therefore, it would have been obvious to one of ordinary skills in the art to modify the teachings of Hebel to include the teachings of Moles et al in order to prevent unauthorized persons from using an unprovisioned circuit.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703)305-3988, (for formal communications intended for entry)

Or:

(703)305-3988 (for informal or draft communications, please label "Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs
June 22, 2004


Anil Patel
Primary Examiner